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SEP 25 2005

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

App. No. : 09/682,627 Docket No. 31.001-AC
Applicant : Masakazu Karita
Filed : October 1, 2001
Art Unit : 3736
Examiner : Brian Scott Szmal
Title : Physical-Health Tuning Means, and Manufacturing and
Use Methods Therefor
Customer No. : 29453

Attention: Ms. Sherry D. Brinkley, Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Commissioner for Patents
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Dear Ms. Brinkley:

In response to the decision, dated July 25, 2005, to dismiss Applicant's May 11, 2005 petition under 37 C.F.R. § 1.137(b) for revival of the above-identified application as having been unintentionally abandoned, Applicant's undersigned representative hereby requests reconsideration of the dismissal. The items enumerated in the July 25 decision as necessary for a grantable petition are attended to as follows.

- (1) Submitted herewith is a supplemental reply under 37 C.F.R. § 1.113, including an amendment pursuant to 37 C.F.R. § 1.116(b). This reply is in lieu of Applicant's reply including amendment of June 21, 2004. It is believed that the present amendment accompanying this letter *prima facie* places this application in condition for allowance, because the amended claims have been submitted by Applicant's representative unofficially to the examiner and the examiner has indicated to Applicant's representative that the amendment is acceptable.
- (2) The fee accompanied Applicant's original May 11, 2005 petition.

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- (3) In explaining why Applicant's petition was dismissed, the July 25, 2005 decision did not state that part of the reason was lack of a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition." Nevertheless, for the record such a statement is hereby made:

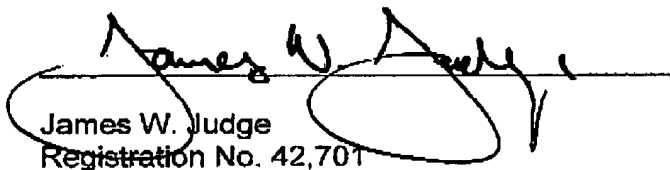
Applicant's representative timely filed, on January 24, 2005 in response to the November 22, 2004 Notice of Abandonment, a petition under C.F.R. § 1.181(a) to withdraw the holding of abandonment. After waiting more than three months for a response, Applicant's representative contacted the examiner's supervisor, who then in due time replied that the § 1.181(a) petition would not be granted. Applicant's representative then promptly filed the May 11, 2005 petition under 37 C.F.R. § 1.137(b).

Now upon receiving the July 25, 2005 dismissal and contacting the Office of Petitions, Applicant's representative has understood that the problem all along has been the mistaken belief that Applicant's final amendment had in fact put the application into condition for allowance. Therefore, it is respectfully submitted that the entire delay was unintentional, and that Applicant's representative has exercised due diligence despite the delay.

- (4) (The terminal disclaimer requirement is not applicable.)

Accordingly, it is respectfully asserted that this renewed petition is grantable.

September 25, 2005


James W. Judge
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